

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 W. JACKSON BOULEVARD
CHICAGO, ILLINOIS 60604-3590

Reply to the Attention Of: **SR-6J**

September 28, 2018

Mr. Todd Konechne
The Dow Chemical Company
1111 Washington Street
Midland, MI 48640

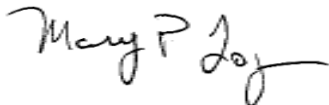
RE: Tittabawassee River Segments 6 & 7 Response Proposal
Tittabawassee River, Saginaw River & Bay Site, Michigan
EPA Document #EPA2018.015

Dear Mr. Konechne:

The United States Environmental Protection Agency (EPA), in consultation with the Michigan Department of Environmental Quality (MDEQ) (jointly, the Agencies), has reviewed the revised Segments 6 & 7 Response Proposal for the Tittabawassee River, Saginaw River & Bay site, dated April 13, 2018, and associated responses from The Dow Chemical Company (Dow) to Agency comments on the draft. The Agencies commented on the draft Response Proposal in a letter dated January 10, 2018. Dow submitted the revised Response Proposal pursuant to requirements of the January 2010 Administrative Settlement Agreement and Order on Consent (2010 AOC), and Section VI, Task 8 of the Statement of Work (SOW).

The Segments 6 & 7 Response Proposal was reviewed in accordance with Section X and XI of the 2010 AOC. In accordance with paragraph 37 of the 2010 AOC, EPA is approving, with conditions and comments, the Segments 6 & 7 Response Proposal for purposes of making it available for public comment, as required by the National Contingency Plan. The conditions and comments are attached. Please contact me at (312) 886-4699 if you have any questions.

Sincerely,



Mary P. Logan
Remedial Project Manager

cc via email: J. Victory – MDEQ
L. Williams – FWS
P. Hamblin, J. Cahn, C. Garypie – EPA
J. Pistro – Dow

**EPA's Approval Conditions/Comments for the
Tittabawassee River Segments 6 & 7 Response Proposal, Dated April 13, 2018
Tittabawassee River, Saginaw River & Bay Site, Michigan**

1. Superfund non-time critical removal authority is being used for this Response Proposal. As such, and pursuant to the 2010 AOC, any decision made by EPA, in consultation with the MDEQ, will not constitute the final remedy for Segments 6 & 7 – a final remedy determination will be made in a later Record of Decision (ROD), after a full risk assessment has been completed. At the time of the final ROD (or earlier, if warranted) the Agencies will evaluate whether additional remedial action objectives (RAOs) and response actions may be necessary for Segments 6 & 7.
2. The Agencies are supportive of moving forward with response activities for the currently identified sediment management areas (SMAs) and bank management areas (BMAs). However, additional Segments 6 & 7 SMAs and/or BMAs that require response activities, beyond those currently identified in the Response Proposal, may be identified based on further review and discussion, if warranted.
3. SCOIs – The Agencies are not “approving” the conclusions about SCOIs found in Section 3.7. SCOIs must be addressed in the Task 10 residual risk assessment, and may result in additional Segments 6 & 7 analysis/work and/or post-construction monitoring.
4. Benthic Community – Section 3.5.1 contains a brief discussion of Segments 1 and 2 benthic community conditions. The Agencies are not “approving” this analysis. There is some uncertainty about how representative the sampling locations were and, as noted, no sample locations were included in Segments 6 or 7. As appropriate, benthos and other biological receptors (e.g. fish, birds, reptiles, amphibians) will need to be considered for the ecological risk assessment.
5. Conceptual Site Model (CSM) – The CSM does not show a pathway for floodplain soils back to river. As noted in previous comments on earlier RPs, the Agencies have some ongoing questions about the conclusions regarding the potential significance for erosion of floodplain soils (and associated TEQ) back into the river. As additional information becomes available, the CSM may have to be re-evaluated.
6. Bases for Action and RAOs – The evaluations used in this document are sufficient to support the currently identified bases for action, focused on secondary source control. However, future work including, but not limited to Task 10 of the 2010 AOC and SOW, will need to evaluate all relevant exposure pathways and receptors. Ultimately the goals for Segments 6 & 7 (perhaps in concert with other areas of the river) must link to acceptable risk over an acceptable estimated timeframe. As needed, the RAOs should be refined after the response actions are implemented and monitored.
7. The Segments 6 & 7 Response Proposal contains general information and assumptions supporting development of the alternatives. Additional refinement will be needed during response design, depending on the final selected response option, including, but not limited to: SMA and BMA footprints; details about bank and sediment monitoring; threatened and endangered species; cultural resources; and construction and post-construction sampling.